

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CRIMINAL NO. 3:06cr00017-CMC
)	
v.)	OPINION and ORDER
)	
Nathaniel Earl Govan,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's motion requesting termination of supervised release. ECF No. 59. The United States Probation Office ("USPO") has recommended that termination of supervision not be granted at this time. The United States Attorney has indicated that he defers to the position of the USPO.

Title 18 United States Code Section 3583(e) provides that

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)--

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice

Considerations contained in § 3553 include, *inter alia*, the nature and circumstances of the offense and the history and characteristics of the defendant; the ability to afford adequate deterrence to criminal conduct; the need to protect the public from further crimes of the

defendant; and the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner. 18 U.S.C. § 3553.

“The plain language of the statute illustrates that § 3583(e), in the typical case, allows a conduct-based inquiry into the continued necessity for supervision after the individual has served one full year on supervised release.” *United States v. Pregent*, 190 F.3d 279, 282-83 (4th Cir. 1999). However, the statute

is not exclusively limited to considerations of conduct. The language of the statute notes that the district court ‘may’ terminate supervised release ‘if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.’ The phrase ‘the interest of justice’ does give the district court latitude to consider a broad range of factors in addition to an individual’s behavior in considering whether to terminate the supervised release period.

Id. at 283 (citation omitted).

Defendant has been on supervised release for just over two years of his ten-year term ordered at sentencing. Defendant has maintained employment for the majority of his supervision, and has had no known violations. However, Defendant committed the instant offense while on a previous term of supervised release. In addition, he has only served two years and four months of his current ten-year term of supervision. Therefore, the court **denies** Defendant’s motion to terminate supervised release without prejudice. Defendant may again move for termination of his supervised release once he has completed five years of supervised release, half of his ten-year term, with no violations.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
February 5, 2016